

**MINUTES OF THE MEETING OF THE
BOARD OF PSYCHOLOGISTS**

November 14, 2005

Approved by the
Board 1-20-06

1. ORAL EXAMINATION ADMINISTRATION

10:00 a.m. to 11:00 a.m. - Closed to Public in order to administer the Oral Examination.

Congratulations were extended to the following candidates who received a passing score (80% or above) on the examination:

Paulette Tam Cary
Nancy L Foster
Merilee McCurdy
Kari Perez

2. ROLL CALL

The meeting of the Board of Psychologists was called to order by the Chairperson, Dr. Jeffrey, at 11:08 A.M., in the Sixth Floor, Conference Room Z, State Office Building, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members, and other interested parties in accordance with the Open Meetings Law. The following members answered the roll call:

Members

Louise Jeffrey, Ph.D.
Daniel Ullman, Ph.D.
Diane Miller-Ruhlman
Daniel Bizzell, Ed.D.
Chuck Eigenberg Ph.D.
Ann Heermann
Lori Wall, Ph.D.

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Board Representation

Chairperson
Vice-Chairperson
Secretary
Member
Member
Member
Member

Absent: None

Other(s) Present

Brad Shaff
Kris Chiles

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Agency Representation

Assistant Attorney General
Section Administrator, Credentialing Division

3. ADOPTION OF AGENDA

Jeffrey suggested amending agenda item #10B, New Business; by adding the following items:

- Tarasoff Article. Jeffrey would like Shaff to address how this might affect the board.
- Update from Dr. Cole. He would like to provide an update regarding a meeting with members of the Alcohol and Drug Counseling Board that both he and Jeffrey attended. Chiles advised that agenda Item #9, LB 551, would address the LADC meeting and supervision issue.

MOTION: Ullman moved, seconded by Eigenberg to adopt the agenda as amended. A roll call vote was taken. Voting aye: Bizzell, Eigenberg, Heerman, Jeffrey, Miller-Ruhlman, Ullman, Wall (7) Voting nay: none (0). Absent: (0). Motion carried.

4. MINUTES

Chiles distributed a draft copy of the September 2005 board meeting minutes. She asked that they be reviewed with any changes or corrections identified so that they may be finalized, copied and distributed via e-mail.

Jeffrey stated that they would defer approval at this time, so that the board has an opportunity to review and identify any corrections.

10. NEW BUSINESS

b. Other

Shaff briefly reviewed the Tarasoff Article distributed by Jeffrey and proceeded with his initial thoughts. He stated that it appears California, is extending the “duty to warn” from first hand knowledge from the client, to second-hand knowledge from a family member of the client. He further stated that the possible impact in Nebraska could be the impact case-law has, which is that attorneys look to other state decisions, particularly when they are trying to prove their case and where there is no ruling in place in their jurisdiction, to guide them.

He stated that IF this board was looking at duties to report, he would be coming to this board, asking under their professional capacity, what is your duty to report now within the State of Nebraska? He suggested that he do additional research on the issues, look at Nebraska law, and further discuss possible impact at their next meeting.

Jeffrey stated that one of the reasons she wanted discussion on the ‘Tarasoff Article’ is that this broadening of the reporting requirement has huge potential for implications with regard to manipulative clients. There was discussion and agreement that this could easily be abused.

Shaff identified that there are three parts to the “Rule”, those being

- ◆ You have a reasonably identifiable third person
- ◆ The threat of serious bodily harm
- ◆ The professional standards of care, whether the provider actually will be more predicted, that the person pose that threat.

He used the following as an example: You have a custody case. The non-custodial parent comes to you and says that so-and-so has threatened to kill me if I try and oppose the custody of the children. You are then charged with having to determine whether or not you have enough evidence that you will either believe or predict that the client will take such action. A lengthy discussion ensued.

Jeffrey suggested that since Cole was present, that the discussion move to his report regarding meeting with members of the Alcohol and Drug Counseling Board.

9. UNFINISHED BUSINESS

• **LB 551 (previously LB 177) – supervisor credentials for PLADC’s**

Cole reiterated that LB 551 calls for consultation between the Board of Psychology and the Board of Alcohol and Drug Counseling (ADC), specifically regarding the supervision by Psychologists of students in their Practica and those who are obtaining their clinical work experience. He further stated that both he and Jeffrey attended the October 7, 2005 ADC Board meeting. The meeting provided an opportunity to exchange ideas and obtain information relating to the scope of practice, education, experience, and examination requirements for obtaining an alcohol and drug counseling license.

He then specifically addressed the “**Twelve Core Functions and 46 Global Criterians**”. He stated that

the important issue from his perspective, was to ensure that this Board remains responsible, and in-charge of the practice of Psychologist, in the role a Psychologist plays in supervision of any other group of persons, and that the Code of Conduct be protected in those types of relationships.

Jeffrey stated that it is the Board of Psychologists responsibility to develop the criteria that would prove that a psychologist supervisor has 'sufficient training' to supervise the practicum and clinical work experience. She suggested the board consider that:

- The Psychologist who wishes to supervise individuals in the process of obtaining a LADC, self-identify
- The Psychologist demonstrate in some manner, experience in working with substance abusers by virtue of:
 - ✓ Education
 - ✓ Training (which may be in a formal educational setting or may be continuing □education)
 - ✓ Experience and/or supervised practice
 - ✓ Demonstration of on-going continuing education in the area of substance abuse and
 - ✓ Attendance at a workshop, being developed by the LADC Board, specifically on the 46 Global Criteria and 12 Core Functions

She stated that this is absolutely necessary for those persons wishing for state to state mobility. She further stated if we, (Psychologists) are going to provide their supervision, we are doing a disservice if we don't address processes in a manner that helps to prepare them for the licensing examination.

Jeffrey's suggested that Psychologists complete a three or four hour workshop. She stated that most of the information being presented is regarding organization rather than content. She stated that they have as much emphasis on assessment as they do on record keeping.

Jeffrey stated one of her concerns, that the Board of Alcohol and Drug Counseling places a lot of expectation is, how much training will occur during supervision. Cole went on to advise that many of the applicants for the PLADC have less than one-year of post-High School education plus a 270-hour Practicum, which must address all of the 12 Core Functions.

MOTION: Eigenberg moved, seconded by Wall that in order for a Psychologist to supervise a potential LADC during either their Practicum or work experience, must meet the following criteria:

- Complete a Board approved workshop on the 12 Core Functions and 46 Global Criteria for a minimum of 3 hours
- Hold Active license as a Psychologist in Nebraska
- There is no current discipline placed on the license
- Limit the number of supervisees to four (4) of any of the following:
 - ♦ Provisionally Licensed Mental Health Practitioner
 - ♦ Provisionally Licensed Psychologist
 - ♦ Provisionally Licensed Alcohol and Drug Counselor(Clarification: If the applicant is dually credentialed within these credential types, they would count as only 1 supervisee)

A roll call vote was taken. Voting aye: Bizzell, Eigenberg, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (7) Voting nay: none (0). Absent: (0). Motion carried.

12:06 P.M. - Cole left the meeting

5. INVESTIGATION INFORMATION – CLOSED SESSION

MOTION: Miller-Ruhlman moved, seconded by Bizzell to enter into closed session at 12:06 P.M., to hear discussions of investigative reports, and for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Bizzell, Eigenberg, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (7) Voting nay: none (0). Absent: (0). Motion carried.

12:06 P.M. - Chiles departed the meeting.
12:08 P.M. - Chiles re-entered the meeting
12:14 P.M. - Pflager, Investigations and Enforcement Division, joined the meeting
12:30 P.M. - Ullman departed the meeting
12:31 P.M. - Pflager departed the meeting

MOTION: Miller-Ruhlman moved, seconded by Wall to enter into open session at 12:31 P.M. A roll call vote was taken. Voting aye: Bizzell, Eigenberg, Heermann, Jeffrey, Miller-Ruhlman, Ullman, Wall (7)
Voting nay: none (0). Absent: (0). Motion carried.

6. WORKING LUNCH

Lunch was deferred

7. DISCIPLINARY INFORMATION – OPEN SESSION

a. Actions Pending/Taken

12:34 P.M. - Ullman re-entered the meeting

No disciplinary Action was taken since the Board's last meeting in September.

8. APPLICATION REVIEW AND BOARD DETERMINATION

a. Reinstatements

None

b. Applications

None

9. UNFINISHED BUSINESS

a. Board Newsletter update

Chiles advised that Wall volunteered to draft an article for the next newsletter, regarding the subject of "Record Keeping".

b. 2005 Legislation

- **Uniform Licensing Law Rewrite and Report on Attendance at the All Health Care Related Board Member Meeting (6/10/05).**

Chiles presented information that the ULL Rewrite (to be named the Uniform Credentialing Act or UCA) is currently underway and that department staff has met three times and will be meeting a fourth time this week, for review of more than one-hundred comments received during the last couple of months. A document will be devised that will separately identify each comment and will set out the action taken, i.e., if there was a change made, or no change made. She stated that this information will be available on-line in the future and that she will make such site address available, when such is operational.

Chiles stated that the plan is to introduce legislation in 2006. She advised that there were no major changes from what was in the proposal presented in June, but there are some clarification and clean-up, language being suggested.

Chiles reported that there is still some discussion regarding whether to use the term 'advise' or 'recommend' as it relates to the relationship between the Board and the Department. Additionally, the statutes will delineate the areas whereby the Board has final 'decision' authority. The areas suggested are:

- Reinstatements following disciplinary action
- Continued competency
- Educational criteria required for licensure
- Unprofessional conduct
- Examination

Chiles clarified that the disciplinary process would continue as currently written, which means the Board would act as advisory by recommending what type of action be taken, if any. Licensing issuance and denial, as well as a probationary offerings, will still be a recommendation by the Board to the Department.

- **Psychology Practice Act Revisions**

Chiles stated that the other piece to the ULL Re-write is "your own Practice Act". She stated that the board had received and had opportunity to review and make comments. She summarized the changes as:

- Removes outdated processes, such as the section for licensure under 'Matriculation', which expired in 1994 and the date by which Psychological Assistant applications be submitted to the Department, which said date has also expired.

She continued that two new sections have been added; these sections:

- Identify the name of the Practice Act
- Delineate the composition of the board. This section was originally in the Uniform Licensing Law and now the exact language has been moved to the practice act; however, if the board wishes to make changes relative to it's composition, this would be the time to do so.

Also, to coincide with the ULL, she looked for and verified the various statements regarding the board's authority for "recommending" versus "deciding".

A member of the board asked Chiles if she could clarify if the UCA and the separate Practice Acts, have been written as one legislative bill. Chiles stated she had heard that the all the practice acts would be in one bill and the UCA would be introduced as a separate bill.

c. 407 Review regarding Independent LMHP Practice (major mental disorder diagnosis)

Chiles updated the board that the 407 process is currently underway. She advised that the original recommendation from the Task Force Committee was presented to the Board of Health and to the Agency Director. She stated that there has been a recent change in Agency Director's and the Interim Director chose not to review or make any comments on this bill, until such time as there was a fully employed Agency Director.

The new Agency Director requested that the Committee conduct additional review, and resubmit. The Board asked Chiles if she was aware of the issues at hand, to which she stated that the original proposal was very broad and it's her understanding that more clarification was suggested. The original proposal left the Board of Mental Health Practice, with the authority to write additional training requirements, in their regulations and there were questions relative to this. The most recent information available suggests that the applicant group submitted additional information and the proposal has been resubmitted to the Agency Director. No further information is available at this time.

Jeffrey stated one of her major concerns, was that LMHP's would be the only professional group of those allowed to diagnose persons, with major mental disorders in Nebraska, including Psychologists, Physicians, Advanced Practice Nurses and Physician Assistant's, not required to have some classroom, graduate level, didactic training in the diagnosis of major mental disorders. She feels very strongly that

this should be required.

Chiles advised that if a bill is submitted as currently proposed, the Board could testify at the legislative hearing and later during the regulation process; the board could also write a letter to the Senator who would be introducing the bill. If the bill passes, they may then also wish to write a letter to the Board of Mental Health Practice.

The board asked Chiles to outline the process from this point forward. Chiles stated that the Board of Health has already approved the proposal, so if the Director approves it, most likely it will be introduced during the 2006 legislative session.

d. Update on Supervision Workshop co-sponsored by Board/NPA

Chiles reported that there has been a location change, the session at Mahoney State Park has been changed to The Clarion Hotel West in Omaha, NE. A change of location has been sent to licensees whose registrations were accepted; currently 91 persons have registered. Jeffrey stated that she would be providing local transportation to Dr. Carol Falender, the speaker/presenter, while she is in Omaha. Chiles indicated that the equipment needed for her presentation has been rented for each location. The cost of the presentation at the Clarion will be approximately \$900.00 for equipment and use of location. The cost of the presentation at Kearney will be approximately \$400.00. Chiles distributed a list of persons registered for both locations/presentations.

There was a discussion by the board that if these workshop presentations are valuable, they may wish to consider providing additional workshop presentations.

12:59 P.M. - Shaff left the meeting

e. 2006 Board Meeting Dates

Chiles asked if the Board wished to continue with the same meeting schedule as in the past, that being the third Friday of every other month, beginning January 2006. The board agreed that a continuation of the same schedule was acceptable. Chiles identified the specific dates in 2006 as:

January 20 th	March 17 th	May 19 th
July 21 st	September 15 th	November 17 th

f. Other

None

10. NEW BUSINESS

a. Correspondence

• ASPPB

Jeffrey distributed a brief report from the 45th Annual Meeting of Delegates Association of State of Provincial Psychology Board meeting, a copy of which will be included for permanent filing, with the minutes of the meeting.

She stated it appears that "distance education" is here to stay, it is already quite widespread and no state is yet "on top" of how this issue will be addressed.

She further stated that Cynthia Belar, PhD and Michael Murphy, PhD, gave a very interesting historical perspective of distance learning, dating back to short-hand courses available (via the mail system) during the 1850's in London.

She also identified that another topic of interest, was a new practice referred to as “Brain Dumping” which was observed during administration of the EPPP. The Professional Examination Service ended up having to withdraw at least 140 test question items, from the question pool, and there is now a candidate acknowledgement statement, which emphasizes the ethical and legal implications of disclosing items from the examination. The practice of “Brain Dumping” will be considered an Ethical violation of test security, and will be reported to any state within which an individual requests licensure.

Jeffrey stated that she had attended a very good workshop on the development of jurisprudence examinations. It was reiterated that the purpose of the examination is not to educate, but rather to test knowledge gained.

Ullman questioned if discussion related to the designation process for programs that include Psychopharmacology. Jeffrey advised that it was addressed only briefly, to state that criteria was currently being developed. Ullman clarified that this is only a designation rather than an accreditation.

Jeffrey added that this is a designation similar to the way in which they designate Internships. She stated it involves a self-identification process, you do not have to have an APA approved Internship, but rather each state board individually identifies “equivalency”; there is a list of Internship programs that are basically self-reported as being equivalent. She stated that this is historically how the process has been addressed.

- **APA, NPA**

None

- b. Other**

Chiles stated that she had received a letter from Dr. Wayne Price, who has served as Investigative Consultant to this board. She proceeded to read such letter, which requests that the Board of Psychology, accept his resignation as a contractual consultant for investigations and consider changing his status, to an ad-hoc consultant. He thanked the many various boards and members that he's worked with over the past 25 years.

Jeffrey stated that an award for his many years of invaluable service, will be presented to Dr. Price at an award's dinner following the Board sponsored workshop in Omaha.

11. BOARD MEMBER UPDATES

- a. Applicants for December Appointments**

Chiles reported that following individuals had applied for the board position to be vacated by Eigenberg:

Judith Clementson of Raymond
John Curran of Norfolk
Robert Portnoy of Lincoln

Chiles continued by stating that the Board of Health meets on the third Monday in November and at that time appointments will be made, and will become effective December 1st. She further stated that she would advise the board as to who was appointed.

1:07 P.M. - Miller-Ruhlman departed the meeting
1:10 P.M. - Miller-Ruhlman re-entered the meeting

b. Dr. Eigenberg-Recognition of 10 years of Service as a Board Member

Eigenberg was originally named to complete the term of service of previous board member, Eileen Grundell, and has since served on this board for a period of 11 years. Jeffrey presented a Certificate of Appreciation to Eigenberg, which he accepted, giving thanks for the opportunity to have served in such capacity.

12. ADJOURNMENT

There being no further business, the meeting of the Board of Psychologists adjourned at 1:24 P.M.

Respectfully submitted,

Diane Miller-Ruhlman, Secretary
Board of Examiners of Psychologists

Summarized by: Cindy Kelley, Credentialing Specialist
Credentialing Division

**Next Meeting:
January 20, 2006**